

**34-38-6 Requirements for collection and testing.**

- (1) The collection and testing of a sample for drugs and alcohol under this chapter shall be performed in accordance with this chapter.
- (2) The collection of a sample shall be performed under reasonable and sanitary conditions.
- (3) A sample shall be collected and tested:
  - (a) with due regard to the privacy of the individual being tested; and
  - (b) in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of a reliable sample.
- (4) The sample collection shall be documented. The documentation procedures required by this Subsection (4) include:
  - (a) labeling of a sample so as reasonably to preclude the probability of erroneous identification of test results; and
  - (b) an opportunity for the employee or prospective employee to provide notification of any information that the employee or prospective employee considers relevant to the test, including:
    - (i) identification of currently or recently used prescription or nonprescription drugs; or
    - (ii) other relevant medical information.
- (5) Sample collection, storage, and transportation to the place of testing shall be performed so as reasonably to preclude the probability of sample contamination or adulteration.
- (6)
  - (a) Testing of a sample shall conform to scientifically accepted analytical methods and procedures.
  - (b) Before a test of a sample may be considered a failed test and used as a basis for an action by an employer under Section 34-38-8, testing of the sample shall include a confirmation test:
    - (i) by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method; and
    - (ii) if the sample used for a test is a urine sample, by a laboratory that is certified by the United States Department of Health and Human Services under the National Laboratory Certification Program.

Amended by Chapter 284, 2010 General Session